



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 10, 2006

Pat Toomey, Treasurer
Club for Growth Inc. PAC
2001 L St. NW, Suite 600
Washington, DC 20036

Response Due Date:
April 10, 2006

Identification Number: C00346536

Reference: Year End Report (12/1/05 – 12/31/05)

Dear Mr. Toomey:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §§110.1(d) and 110.2(d) prohibit a committee and its affiliates from receiving any contribution from another political committee or person in excess of \$5,000 per calendar year.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information.

If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained if within 60 days of receipt, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

Alternatively, the funds can be retained if within 60 days of receipt you (1)

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transferred the excessive amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund. Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or transfers to a non-federal account were not met within 60 days of receipt, the excessive amount must be refunded.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any transfer-out or refund. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. Any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution, transfer-out or refund the excessive amount will be taken into consideration.

-Your report discloses the apparent disbursement of earmarked contributions outside the permissible time period. As a conduit or intermediary for an authorized committee, your committee must forward any earmarked contribution, along with a transmittal report, no later than ten (10) days after receiving the earmarked contribution. 11 CFR §§102.8(a) and (c) and 110.6(c)(1)(iii)

If the earmarked contributions were incompletely or incorrectly disclosed, you should amend your report with clarifying information.

Although the Commission may take further legal action regarding the untimely forwarding of earmarked contributions, your prompt action in addressing the concerns raised will be taken into consideration.

-Schedule A of your report discloses earmarked contributions totaling \$16,610.00, with no corresponding entries on Schedule B. Pursuant to 11 CFR §110.6(c)(1)(v), all earmarked contributions that have passed through a conduit's account must be itemized on the receipt (Schedule A) and disbursement (Schedule B) schedules, regardless of amount. All earmarked contributions that have been forwarded in the form of the contributor's check or written instrument must be itemized as memo entries on the

receipt (Schedule A) and disbursement (Schedule B) schedules, regardless of the amount. Please amend your report to clarify these discrepancies.

-Schedule B supporting Line 21(b) of your report discloses a negative disbursement totaling \$1,257.12 for "pulled from advance for i.e. line 24." However, there is no corresponding entry on Schedule E, supporting Line 24 of the Detailed Summary Page. Please be advised that each independent expenditure made by your committee, that aggregates in excess of \$200 in a calendar year to a payee, must be itemized on Schedule E. 2 U.S.C. §434(b)(6)(iii) and 11 CFR §104.3(b)(3)(vii)(B) Please amend your report to clarify this apparent discrepancy.

-Pursuant to 11 CFR §110.6(c), all earmarked contributions, that have passed through a conduit's account, must be itemized on the receipt (Schedule A) and disbursement (Schedule B) schedules, regardless of the amount. Please identify the original contributors for the earmarked contributions disclosed on Schedule B.

-Schedule E of your report indicates that your committee may have failed to file one or more of the required 48 hour notices for independent expenditures (see attached). A political committee must file a 48 hour report with the Federal Election Commission as specified in 11 CFR §104.4(b), within 48 hours of any independent expenditures aggregating \$10,000 or more with respect to a given election, made any time during the calendar year up to and including the 20th day before an election. The notice must be received by the Commission by 11:59 p.m. on the second day following the date on which independent expenditures that aggregate \$10,000 or more are publicly distributed or disseminated. These expenditures must then be fully itemized on Schedule E, or as memo entries on Schedule E and reflected on Schedule D if distributed or disseminated prior to payment, of the next report required to be filed by the committee. Although the Commission may take further action concerning this matter, your prompt response will be taken into consideration. 11 CFR §104.3(b)

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

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Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1157.

Sincerely,



Laura E. Sinram

Campaign Finance Analyst

Reports Analysis Division

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Excessive Contribution *From* an Individual:

Contributor Name	Date	Amount	Report
Thomas Reifenheiser	04/28/05	\$1,000.00	2005 May Monthly
Thomas Reifenheiser	08/08/05	\$2,000.00	2005 September Monthly
Thomas Reifenheiser	12/15/05	\$2,500.00	2005 Year End

Missing 48 Hour Notice (Schedule E)

Name of Payee	Date	Amount	Purpose	Candidate
Paul and Partners	12/14/05	\$5,868.46	postage	Stephen Patrick Laffey
Paul and Partners	12/14/05	\$4,661.39	mail services	Stephen Patrick Laffey
The Club for Growth, Inc.	12/14/05	\$1,831.69	mail , email costs (from advance line21)	Stephen Patrick Laffey

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